

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Altenschöfer et al.
Title: TRANSDERMAL GRANISETRON
Appl. No.: 10/544,259
International Filing Date: 2/5/2004
Filing or 371(c) Date: December 9, 2005
Examiner: Tran, Susan T.
Art Unit: 1618
Conf. No: 1348

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

Pursuant to the Notice of Allowability mailed June 24, 2009, please consider the following remarks. Specifically, Applicants seek to clarify the record – and provide herewith suggested alternative language for the “Examiner’s Statement of Reasons for Allowance” so as to more accurately reflect that which has been allowed herein.

Accordingly, Applicants hereby request that the “Examiner’s Statement of Reasons for Allowance” be revised substantially as follows so as to be consistent with the allowed claim language, and to more accurately reflect that which has been allowed:

The closest prior arts, Effing et al. and Seo et al., teach a transdermal patch that comprises the claimed active agent, granisetron. Effing et al. or Seo et

al., however, do not teach the claimed transdermal patch **that consisting of comprising granisetron and** an acrylic adhesive layer **[[that]], said acrylic adhesive layer** consisting **essentially** of **granisetron, and** two monomers, **i.e.**, the non-acidic hydroxyl moieties monomer, and the **primary acrylate monomer selected from** 2-ethylhexyl acrylate or butyl acrylate. The use of the transitional phrase “consisting **essentially** of” **[[to]]** precludes all other monomers and/or polymers in the acrylic adhesive layer taught in the cited prior arts, **to the extent any such monomer or polymer would materially effect the basic and novel characteristics of the claimed adhesive layer**. The present specification shows that the **claimed** acrylic adhesive layer exhibits an unchanged granisetron content, as well as no crystallization of the granisetron when stored at 25°C for six weeks.

The suggested alternative language for the “Examiner’s Statement of Reasons for Allowance” is submitted to clarify the record – and more accurately reflect that which has been allowed herein. No new matter is introduced by the proposed modification to the “Examiner’s Statement of Reasons for Allowance.” Accordingly, entry of the modifications suggested herein is respectfully requested.

Conclusion

In view of the above remarks, clarification of the record as suggested herein is respectfully requested. In the event any matters remain to be resolved in view of this communication, the Examiner is encouraged to call the undersigned so that a prompt disposition of this application can be achieved.

Respectfully submitted,

Date July 14, 2009

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